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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/587,544 06/05/00 BIBB

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EXAMINER
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PM82/0523

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DIVINE D	
ART UNIT	PAPER NUMBER

*3*

3611  
DATE MAILED:

05/23/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/587,544

Applicant(s)

BIBB ET AL.

Examiner

David A. Divine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 1,4,7 and 11 is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:
  - a. Page 3, line 4, should read "...an auto-retract position..."
  - b. Page 3, line 6, the word "manually" should be changed to "manual."
  - c. Page 3, line 27 recites the that the pilot valves are in connection with "each of the main valves," while previously in line 24 "a [single] main valve" is recited. This discrepancy is confusing because the use of the phrase "each of the main valves" implies that there are multiple main valves, contrary to the use of the phrase "a main valve" which implies that there is only one.
  - d. Page 4, line 30, the text "Next, moving either of the control levers to the third position." is not a complete sentence.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:
  - e. The specification does not provide support for the claim limitation of claim 18, line 11, that moving the control lever to the second position activates the control switch, time delay, and solenoid detent. This is disclosed as the result of placing the lever in the third position, however it is never disclosed that this may happen in response to placing the lever in the second position.  
Appropriate correction is required.

***Claim Objections***

3. The claims are objected to because of the following informalities:

- f. In claim 1, line 23, the word “manually” should be changed to “manual.”
- g. In claim 4, it is assumed that by “selecting the forward or reverse direction of the work machine” applicant means placing the work machine in a forward or reverse gear, however this is not positively recited. This language could be taken to simply mean that the operator is selecting the front or rear portion of the vehicle for some undisclosed purpose. Some small clarification to this claim is appropriate.
- h. In claim 4, line 2, the term “wherein” is inappropriate and should be changed to “including.”
- i. In claim 7, line 2, the word “legs” should be changed to “leg.”
- j. In claim 11, line 17 recites that the pilot valves are in connection with “each of the main valves,” while previously in line 13 “a [single] main valve” is recited. This discrepancy is confusing because the use of the phrase “each of the main valves” implies that there are multiple main valves, contrary to the use of the phrase “a main valve” which implies that there is only one.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. In claim 7, it is unclear how the pressure of the hydraulic fluid is increased as it flows through the pilot valves (lines 27-31) and again as it flows through the spool valve (lines 32-35). It would appear that there would be pressure losses across these valves, not a pressure gain. Clarification is required.

7. Claim 8 is unclear as to what is meant by "utilizing the control lever for moving another stabilizer leg between fully extended fully retracted positions." By "the control lever" applicant must be indicating the first control lever disclosed in claim 1, however it is not clear how this control lever is "moving another stabilizer leg." Additionally the use of the word "another" throughout this claim is confusing as to what applicant intends to claim. It is suggested that the term "other" or "the other" might be more appropriate to describe the situation.

8. In claim 11, it is unclear what the scope of invention applicant is claiming. This claim resembles a jepson format claim, however it does not contain the traditional language "the improvement comprising." Because of this it is not clear whether applicant intends to positively claim the elements recited in the preamble or just the elements recited in the body of the claim. Applicant's cooperation in clarifying the scope of the claim is appreciated.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips in view of Satoh.

Phillips teaches a work machine comprising front and rear end portions, a control panel located in the interior of the machine, a pair of stabilizer legs (32,33) connected to the rear end portion, hydraulic cylinders (52,53) associated with each stabilizer in order to extend and retract them, a main valve (62,63) connectable (applicant should note the term connectable only requires that the main valve is capable of being connected to) with each of the hydraulic cylinders for controlling the movement of the stabilizer legs, a pair of pilot valves (62a,62b,63a,63b) in connection with each of the main valves, a pair of control levers (switches, 75,77) in connection with a respective pair of pilot valves for actuation thereof.

Phillips does not teach using control levers that are normally biased to a neutral position, have a first position for extending the respective stabilizer leg while the lever is manually held in the first position, a second position for retracting the respective stabilizer leg while the lever is manually held in the second position, and a retaining

means for automatically retaining the lever in a third position for a predetermined period of time in order to retract the respective stabilizer leg to its fully retracted position.

Satoh teaches (in the background) that it is conventional to use a control lever (switch, Fig.22) that is normally biased to a neutral position (Clo.1, ln.43-44), has a first position (Mup) for extending (raising) a car window while the lever is manually held in the first position, a second position (Mdown) for retracting (lowering) a car window while the lever is manually held in the second position, and a solenoid detent means (Col.2, ln.66-67) for automatically retaining the lever in a third position (ATdown) for a predetermined period of time in order to retract the respective stabilizer leg to its fully retracted position. Moving the control lever to either the first or second position while the auto-retract mode is engaged will interrupt the auto-retract mode (Col.3, ln.3-6).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a switch of the type disclosed by Satoh, on the work vehicle of Phillips, because it would allow the user to fully retract the member without having to manually hold the switch in the retract position.

Regarding claim 12, Phillips and Satoh do not specifically teach that the retaining means comprises a time delay mechanism, however these devices are conventional and inexpensive. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a time delay rather than sensing when the window is fully retracted in order to disengage the control lever from the third position, because it would be less expensive more compact.

Regarding claim 6, Phillips and Satoh do not teach a spool valve connected between the pair of pilot valves and the hydraulic cylinder, however Phillips does disclose lockout valves (82,83) in this location that perform the same general function. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide spool valves instead of the lockout valves disclosed by Phillips, because the spool valves could be actively controlled by the vehicle or operator.

Regarding claim 15, systems that activate an alarm signal of some sort in response the operator attempting to move a vehicle while a stabilizer leg is still partially retracted are old and well known in the art and would be an obvious improvement. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide an alarm in response to an attempt to move the vehicle by the operator placing the vehicle in a forward or reverse gear, because it would be a safety feature and would prevent the operator from damaging the stabilizer legs and nearby objects.

The claimed method would be an obvious method of using the apparatus set forth above.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ostler, Gardenhour, Schumacher, Frase, Renard, Webster, Johnson, and Fukumoto. While no references could be found, the Examiner also notes that numerous tractors employ a hydraulic valve for control of various implements such



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as the rakes found in the Frase reference. These valves have a control lever that has first, second, third, and neutral positions where the first position can be used to lower an implement, the second position can be used to raise the implement, and the third position serves as an auto-retract mode that raises the implement to the fully retracted position. These valves are present on many varieties of tractor, several of which are the John Deere 2640 and the John Deere 3010 model tractors.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Divine whose telephone number is 703-306-4816. The examiner can normally be reached on 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

David A. Divine  
Examiner  
Art Unit 3611

DAD  
May 18, 2001

  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600